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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,283

06/10/2005

Paul R. Simons

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09/04/2007

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
INTELLECTUAL PROPERTY & STANDARDS  
370 W. TRIMBLE ROAD MS 91/MG  
SAN JOSE, CA 95131

EXAMINER

ZEWARI, SAYED T

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,283	<b>Applicant(s)</b> SIMONS ET AL.	
	<b>Examiner</b> Sayed T. Zewari	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Objection***

2. The disclosure is objected to because of the following informalities: presence of hyperlinks on page 7, line 1, and on page 10, line 22 of the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 8-10, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Radomsky et al. (US 6,574,482).

With respect to claim 1, Radomsky discloses a method for opportunistically tracking the location of a portable device (**See Radomsky's abstract, see col.1 lines 24-67, col.11 lines 57-67**) in a wireless infrastructure (**See Radomsky's abstract, see**

**figure 1, 5, col.5 lines 7-33 where RF and IR signals implies use of wireless infrastructure)** comprising at least one fixed station operable to communicate wirelessly with said portable device **(See Radomsky's abstract, see figure 1, 5, col.5 lines 7-33 where fixed stations communicate with portable devices)**, comprising: the portable device providing its unique device identifier to the station when within communication range of said station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, generating association data comprising the unique identifier with the location of said station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7)**, and uploading said associated data via a backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)** to a remote database wherein said data is stored **(See Radomsky's figure 1(25), col.4 lines 1-19)**.

With respect to claim 8, Radomsky discloses a system for opportunistically tracking the location of a portable device **(See Radomsky's abstract, see col.1 lines 24-67, col.11 lines 57-67)** having a unique identifier associated therewith **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, comprising a wireless infrastructure **(See Radomsky's abstract, see figure 1, 5, col.5 lines 7-33 where RF and IR signals implies use of wireless infrastructure)** having at least one fixed station **(See Radomsky's abstract, see figure 1, 5, col.5 lines 7-33 where fixed stations communicate with portable devices)**, station receiving means **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)** for receiving the unique identifier transmitted by said portable device when within communication range **(See**

**Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24)**, generation means for generating association data comprising the unique identifier with the location of said station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7)**, and uploading means **(See Radomsky's figure 5, col.5 lines 7-33)** for uploading said generated associated data via a backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)** to a remote database **(See Radomsky's figure 1(25), col.4 lines 1-19)** wherein said data is stored.

With respect to claim 13, Radomsky discloses a system further comprising a remote client terminal **(See Radomsky's figure 1(25), col.4 lines 1-19, see additional information: col.3 lines 35-67)** operable to establish a connection with the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, and wherein said database is operable to supply associated data to said client terminal in dependence on the client terminal supplying a unique device identifier **(See Radomsky's figure 1(25), col.4 lines 1-19)**.

With respect to claim 2, Radomsky discloses a method wherein upon receipt of a unique identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15)** the station transmits said identifier and its station identifier to an infrastructure computer **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)**.

With respect to claim 6, Radomsky discloses a method wherein a client terminal **(See Radomsky's figure 1(25), col.4 lines 1-19, see additional information: col.3 lines 35-67)** connects with the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, and wherein said

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database is operable to supply associated data to said terminal in dependence on the client supplying a unique identifier **(See Radomsky's figure 1(25), col.4 lines 1-19)**.

With respect to claim 9, Radomsky discloses a system further comprising an infrastructure computer **(See Radomsky's figure 1(25), col.4 lines 1-19)** in communication with the at least one station of said infrastructure **(See Radomsky's figure 1(25), col.4 lines 1-19)** and the database **(See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer)**, said computer having stored information relating to the location of the at least one station **(See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7)**, and wherein said at least one station is configured to communicate the received unique identifier to the computer **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)**, and wherein said computer generates and uploads said associated data to the remote database **(See Radomsky's figure 1(25), col.4 lines 1-19)** via the backchannel **(See Radomsky's figure 1(26), col.3 lines 51-57)**

With respect to claim 10, Radomsky discloses a system wherein communication between the at least one station and the portable device is performed via a wireless protocol in which devices are assigned unique identifiers **(See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39)**.

With respect to claim 16, Radomsky discloses the fixed station of claim 8, comprising means **(See Radomsky's figure 1(14-16 & 17), col.3 lines 51-57)** for receiving a unique identifier **(See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-**

24), means for generating association data and means for uploading said data to a connected computer (**See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7**)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 7, 11, 12, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky et al. (US 6,574,482) in view of well-known prior art (MPEP 2144.03).

With respect to claim 3, Radomsky discloses a method wherein the infrastructure computer receives said station identifier and unique device identifier (**See Radomsky's col.4 lines 59-61, col.5 lines 12-15**), and generates, association data together with the device identifier and the location of the station (**See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7**). Radomsky does not specifically disclose association data comprising time and date of reception. However, an official notice is taken that the concept and use of including time and date in such association data are well known and expected in the art.

Therefore, it would be obvious to one of ordinary skill in the art to provide time and date information in the association data.

With respect to claim 4, Radomsky discloses a method wherein the infrastructure computer inherently uploads said associated data to the remote database (**See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer**).

With respect to claim 5, Radomsky discloses a method wherein the station generates association data together with the unique identifier and the location of the station (**See Radomsky's col.4 lines 59-61, col.5 lines 12-15**), and the station uploads said associated data to the remote database (**See Radomsky's figure 1(25), col.4 lines 1-19 where the database is the hard drive of the computer**). Radomsky does not specifically disclose association data comprising time and date of reception. However, an official notice is taken that the concept and use of including time and date in such association data are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide time and date information in the association data.

With respect to claim 7, Radomsky discloses a method wherein the supply of associated data is generated (**See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7**).

Radomsky does not specifically disclose that these associated data are supplied in exchange for a fee. However, an official notice is taken that the concept and use of

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exchanging data for a fee are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide associated data in exchange for a fee.

With respect to claim 11, Radomsky discloses a system wherein a communication protocol is used (**See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39**). Radomsky does not disclose the protocol to be ZigBee protocol. However, an official notice is taken that the concept and use of ZigBee are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to select ZigBee protocol as the communication protocol.

With respect to claim 12, Radomsky discloses a system wherein a communication protocol is used (**See Radomsky's figure 4, col.4 lines 52-56, col.5 lines 12-24, 30-39**). Radomsky does not disclose the protocol to be Bluetooth protocol. However, an official notice is taken that the concept and use of Bluetooth are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to select Bluetooth protocol as the communication protocol.

With respect to claim 14, Radomsky discloses a system wherein the supply of associated data is generated (**See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7**). Radomsky does not specifically disclose that these associated data are supplied in exchange for a fee. However, an official notice is taken that the concept and use of exchanging data for a fee are well known and expected in the art. Therefore, it would be

obvious to one of ordinary skill in the art to provide associated data in exchange for a fee.

With respect to claim 15, Radomsky discloses the database of claim 8, storing location tracking information (**See Radomsky's col.2 lines 1-31, figure 2, col.4 lines 1-7**), the information comprising location data associated with a unique wireless device identifier (**See Radomsky's col.4 lines 59-61, col.5 lines 12-22, 22-24, see additional information: col.2 lines 1-31, figure 2, col.4 lines 1-7**), and wherein the database is operable to supply said information in response to a request comprising a unique device identifier (**See Radomsky's figure 1(25), col.4 lines 1-19**). Radomsky does not specifically disclose the data comprising time and date. However, an official notice is taken that the concept and use of including time and date in such data are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to provide time and date information in the association data.

With respect to claim 17, Radomsky discloses a portable device having a unique identifier (**See Radomsky's col.4 lines 59-61, col.5 lines 12-15, 22-24**), for use with the system of claim 8 in the form of a tag (**See Radomsky's figure 1(20-23), col.3 lines 35-67, figure 15, col.9 lines 25-53 where use of radio is disclosed**). Radomsky does not disclose the radio module to be ZigBee radio module. However, an official notice is taken that the concept and use of ZigBee radio modules are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to select ZigBee radio module to use in the system.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sayed T. Zewari

August 29, 2007

  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**